

REMARKS

This Response is submitted in reply to the Office Action mailed on September 27, 2005. Claims 1-35 are pending in the patent application. Claims 1,13, 14, 18, 22, 26, 30 and 33 have been amended for clarification purposes and not for any reasons of patentability. A Request for Continued Examination (RCE) is submitted with this Response. No new matter has been added by this Response.

Claims 1-35 were rejected under 35 U.S.C. § 103(a). Applicants respectfully submit for the reasons set forth below, that the rejections have been overcome or are improper. Accordingly, Applicants respectfully request reconsideration of the patentability of claims 1-35.

Claims 1, 2, 4-14, 16-20, 22 and 25-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,960,411 to Hartman et al. ("*Hartman*") in view of web pages from the web site www.airnet.com ("*Airnet*"). Applicants respectfully submit that the combination of *Hartman* and *Airnet* does not disclose, teach or suggest all of the elements of claims 1-35 for the following reasons.

In the Office Action, the Patent Office states that Applicants rely on features which are not in the claims. Specifically, the Patent Office states that "using a shopping order display with the graphical depiction on the same graphical user interface," as stated by the Applicants in the previous Response, is not recited in the rejected claims (see the Office Action, page 2). Applicants respectfully disagree.

Amended claim 1 is directed to a method of permitting a user to order merchandise on a client computer that communicates with a server. A web page and auxiliary file are sent from a server to the client computer to produce a graphical depiction of one or more promotional items on a graphical user interface on the client computer. The method includes "sending the descriptive data related to one of the promotional items to a selection panel in response to a selection request from the user, wherein the selection panel is displayed with the graphical

depiction on said graphical user interface.” The selection panel in amended claim 1 displays a list of the promotional items selected (i.e., ordered) by the user based on a selection request from the user. Thus, descriptive data is initially sent to the user relating to one or more promotional items based on a request from the user. The descriptive data is then sent to the selection panel (or order panel) in response to a selection request (or order) of a promotional item by the user. Neither *Hartman*, *Airnet*, nor the combination of *Hartman* and *Airnet* disclose, teach or suggest at least this element.

Hartman is directed to a method and system for placing a purchase order over a communication network such as the Internet. The Patent Office states that *Hartman* teaches a selection panel displaying one or more promotional items on a graphical user interface. Applicants disagree.

In the Office Action, the Patent Office states that Fig. 1A of *Hartman* illustrates the above element. Fig. 1A of *Hartman*, however, does not display any selections or orders made by a client or consumer. In Fig. 1A, the display shows a summary description of an item (101), a link to a shopping cart (102), one-click processing information (103) and a detailed description of the item (104). The shopping cart section 102 provides the conventional capability to add the described items to a shopping cart but does not display or even suggest displaying the items stored in the shopping cart on the same web page with the depiction of the promotional items. (Col. 4, lines 19-22). Furthermore, *Airnet* does not remedy the deficiencies of *Hartman*. Therefore, the combination of *Hartman* and *Airnet* does not disclose, teach or suggest displaying a selection panel or order panel with the graphical depiction of one or more promotional items on a graphical user interface as in the claimed invention.

Applicants also submit that the combination of *Hartman* and *Airnet* does not disclose, teach or suggest a server that sends a web page and an auxiliary file to a client computer where descriptive data related to one or more promotional items is read from the auxiliary file without

querying the server. Furthermore, the combination of *Hartman* and *Airnet* does not disclose, teach or suggest providing any type of auxiliary file nor querying any type of file without querying the server.

The Patent Office states that the element of reading an auxiliary file containing descriptive data related to a promotional item instead of getting the data from a server is not supported or recited in any of the claims. The Patent Office therefore states that Applicants rely on claim language not found in the claims. Applicants disagree.

Amended claim 1 specifically states that the server sends to the client computer the web page and an auxiliary file containing descriptive data. (See the Preamble of amended claim 1.) Furthermore, amended claim 1 states that the client computer receives the web page and auxiliary file from the server and that the descriptive data related to the promotional item is read from the auxiliary file without querying the server. Amended claim 1 further states that the descriptive data is sent to the client computer by reading the auxiliary file “without querying the server for the descriptive data.” This language is directly stated in amended claim 1. Therefore, the Patent Office is incorrect in stating that this language is absent from the claims.

Additionally, the combination of *Hartman* and *Airnet* does not disclose, teach or suggest reading descriptive data from an auxiliary file without querying the server. *Hartman* specifically teaches the transfer of information or data from the server to the client computer. For example, *Hartman* states that “when the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered.” (Emphasis added). (Col. 4, lines 59-61). As another example, *Hartman* states that the web pages are sent from the server system to the client system when the purchaser requests detailed information about an item. (Col. 4, lines 4-12). *Hartman* does not disclose, teach or suggest adding any information from any other type of file other than a server system.

In the Office Action, the Patent Office states that *Hartman* does disclose providing descriptive information from an auxiliary file. In support, the Patent Office states that the tags, which control the display or look of the information in the form of text, graphics and other features corresponds to the claimed auxiliary file of the claimed invention. (See the Office Action, page 4). Applicants disagree.

The tags referred to in *Hartman* are HTML tags which contain instructions for controlling the display of the text, graphics and other visual features of a web page. For example, a tag may include the instructions that an object on the web page should be displayed in green. The tags do not include any information or descriptive data related to the promotional items displayed on the screen nor does *Hartman* disclose, teach or suggest such file. In contrast, the auxiliary file of the claimed invention includes the descriptive data of the promotional items which is read from and displayed by the auxiliary file and not the server upon a request from a client computer. In no way is the tag or tags identified by *Hartman* the same as the claimed auxiliary file.

For at least these reasons, the combination of *Hartman* and *Airnet* does not disclose, teach or suggest the elements of amended claim 1. Amended claims 13, 14, 18, 22, 26, 30 and 33 each include similar elements to amended claim 1. Accordingly, amended claims 1, 13, 14, 18, 22, 26, 30 and 33, and dependent claims 2-12, 15-17, 19-21, 23-25, 27-29, 31-32 and 34-35, are each patentably distinguished over the combination of *Hartman* and *Airnet* and in condition for allowance.

Claims 3, 15, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hartman/Airnet* and further in view of U.S. patent no. 6,496,208 to Bernhardt et al. ("*Bernhardt*"). Applicants respectfully disagree with and traverse this rejection. Claims 3, 15, 21 and 23 depend from amended claims 1, 14, 18 and 22, respectively. Therefore, claims 3, 15, 21 and 23 are allowable for at least the reasons set forth above with respect to amended claims 1,

14, 18 and 22. For at least these reasons, claims 3, 15, 21 and 23 are each patentably distinguished over the combination of *Hartman*, *Airnet* and *Bernhardt* and in condition for allowance.

In light of the above, Applicants respectfully submit that claims 1-35 are patentable and non-obvious over the art of record because the cited art does not disclose, teach or suggest the subject matter of the claimed invention. Accordingly, Applicants respectfully request that claims 1-35 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

A check in the amount of \$790 is submitted herewith to cover the fee for the RCE. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (39992-400700) on the account statement.

Respectfully submitted,

By 

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